

## I. INTRODUCTION

### A. Purpose

1. **Overview** – A refugee is a person who is outside his/her country of origin because of a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a particular social group, and who cannot or does not want to return. Each year millions of refugees are forced to leave their homelands and must begin new lives in other countries for reasons that are beyond their control. They are a distinct class of legal immigrants who need the humanitarian protection and safe haven offered by other countries. (In the U.S. they are given a unique immigration status as established by the Immigration and Nationality Act, Title IV, Section 101[a][42].) In their home country, they may have been in immediate danger of losing their lives. They have been persecuted for reasons of race, religion, nationality, or political opinion, and have often experienced harrowing physical and psychological torture as well. Many refugees flee their countries to save their children from the hardships of war, deprivation, indoctrination, and discrimination.

Through the Refugee Resettlement Program, refugees from all over the world are able to come to the United States to find a safe, peaceful environment in which to begin a new life, free from persecution and discrimination. The program helps to ensure that their transition into life in America is successful and that the unique contributions they can offer to this society are recognized and appreciated from the day they arrive.

2. **Terminology and Definitions** – For your convenience, a glossary of terms related to refugee resettlement, many of which are used in this manual, is included at the end of the manual following Appendix H.
3. **Administration** – The administrative environment in which refugees are resettled in the U.S. is diverse.
  - a. **National** - Three federal departments are involved in the process:
    - **Department of State** – The *Bureau of Population, Refugees, and Migration* is responsible for establishing placement and arrival criteria. It decides who will come, where they will go, and when they will arrive.

- **Department of Health and Human Services** – The *Office of Refugee Resettlement (ORR)* is responsible for administering the refugee resettlement program on the national level, working with refugee coordinators at the state level.
- **Department of Justice** - The *Immigration and Naturalization Service (INS)* promulgates regulations regarding documentation and classification of immigrants and is responsible for processing refugees overseas and in the U.S.

**b. State**

- The **Virginia Office of Newcomer Services (ONS)**, located in the Division of Community Programs, within the Virginia Department of Social Services, administers the refugee resettlement program in Virginia, which is supported by 100 percent federal funds.
- The State Refugee Coordinator, who is also Director of ONS, has been designated by the Governor to oversee the program to ensure the effective coordination of public/private resources and the day-to-day management and delivery of services and benefits to refugees throughout the Commonwealth.

**B. Legal Base and Framework of the Refugee Resettlement Program**

1. **Legal Base** – The national refugee resettlement program is carried out under the authority of the Immigration and Naturalization Act, born out of the Refugee Act of 1980 (P.L. 96-212). Since its inception, the program has been administered subject to the purpose of that Act, namely, “to provide for the effective resettlement of refugees” and “to assist them to achieve economic self-sufficiency as quickly as possible.” Thus from the beginning of the program, newly arriving refugees have been subject to a self-sufficiency standard that pre-dates welfare reform.
2. **Framework** – The United States government, in admitting refugees, has made a commitment to help them make a successful transition to life in America. The goal of the national refugee resettlement program is to assist in the successful social integration of refugees as soon as possible after their arrival in the U.S., with an emphasis on attaining the earliest durable economic self-sufficiency for individuals, families, and new refugee communities.

- a. The Department of State and the Department of Health and Human Services, Office of Refugee Resettlement, administer specific programs for refugees. National voluntary agencies, through “cooperative agreements” with the State Department, provide initial reception and placement services during the first 90 days after a refugee arrives in the United States. The agreements set the stage and lay out the expectations for the successful assimilation and acculturation of refugees into the mainstream of American life.
- b. The federal Office of Refugee Resettlement (ORR) provides funds to states for cash and medical assistance for up to eight months after a refugee’s arrival in the United States. It also funds refugee social services (e.g. case management, employment services, English language training, and support services, such as transportation assistance, social adjustment training, and information and referral), and the administration of the refugee resettlement program.
- c. Virginia’s refugee resettlement program, administered by the Office of Newcomer Services (ONS), negotiates and executes interagency agreements and contracts with public and private agencies, directing these funds to the local communities where refugees reside. ONS is also responsible for the oversight of the Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA) programs within the Department of Social Services. *Note: The official and correct names for these programs are “Refugee Cash Assistance” and “Refugee Medical Assistance,” not “Refugee Other” and “Refugee Medicaid Other,” which have been used in certain contexts in the past.*

## **C. Who is Eligible to Receive Benefits and Services?**

1. **Introduction** – In order to be eligible to receive benefits and/or services under the Virginia Refugee Resettlement Program (VRRP), an individual must meet the requirements of 45 CFR 400.43. These individuals are admitted to the United States with a particular legal immigration status granted by the U.S. Immigration and Naturalization Service. The term “refugee” will be used throughout this manual to refer to anyone in the groups that are eligible for the Virginia Refugee Resettlement Program. *NOTE: By federal regulation (45 CFR 400.152), ONS and its contract service providers may not provide services to refugees who have been in the United States for more than 60 months.*

## 2. Eligible Groups

- a. *Refugees* - A refugee is a person who is outside his/her country of origin because of a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a social group. Eligible participants hold the legal immigration status of a refugee, which is granted before their arrival in the United States.
- b. *Asylees* – An asylee is a person who is in the U.S. or at a border and demonstrates that he/she qualifies under the “refugee” definition. Asylees do not enter the United States with the legal status of “refugee,” but rather apply to the INS for asylum after they have arrived. Once the individual has been granted asylum, he/she is eligible for all services and support offered by the Virginia Refugee Resettlement Program (VRRP).
- c. *Entrants* - An entrant is a person from Cuba or Haiti who has been admitted into the United States under P.L. 96-422 holding the legal immigration status of Cuban/Haitian Entrant (or “Parolee” – see definition on p. 11 for more details).
- d. *Amerasians* - An Amerasian is a person of American and Asian descent, especially one whose mother is Asian and whose father is American. Certain Amerasians from Vietnam are admitted to the United States as immigrants under the provisions of P.L. 100-202 (and the amendments to it in P.L. 100-461, P.L. 101-167, P.L. 101-513, and P.L. 101-649) and are eligible for the Refugee Resettlement Program. Basically, these are individuals born in Vietnam after January 1, 1962, and before January 1, 1976, who were fathered by U.S. citizens. The eligible Amerasian’s spouse, children, and parents or guardians, when they arrive with him/her in the United States, also qualify for the program.
- e. *Unaccompanied Minors* - An unaccompanied minor is a child under 18 who lawfully enters the country unaccompanied by a parent or an immediate adult relative, or who has no known immediate adult relative in the U.S. An eligible participant has been classified by INS as a refugee unaccompanied minor or meets the requirements of one of the exceptions. The child is eligible to receive culturally and linguistically appropriate child welfare services, as well as employment services. See Section VI of this manual for the specifics of the Unaccompanied Minors Program.

- f. *Certain Lawful Permanent Residents* - Persons who currently hold the immigration status of permanent resident alien and who previously held one of the statuses listed above are also eligible to receive the services of the Virginia Refugee Resettlement Program (see section II.B.4.a of this manual for time limitations).
- g. *Victims of Trafficking* – Public Law, No. 106-386, Div. A, 114 Stat.1464 (2000), The Trafficking Victims Protection Act, established that victims of severe forms of trafficking are eligible for benefits and services to the same extent as refugees. “Severe forms of trafficking in persons” is defined as:
  - 1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
  - 2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- h. ***Note: In this manual, unless noted otherwise, “refugee” is used as a general term to refer anyone who falls into categories a-g above.***

- 3. **Ineligible Groups** - The following are common examples of persons who are not eligible to receive benefits and services through the VRRP program (list is not all-inclusive):
  - a. Persons who formerly held refugee status and have become naturalized citizens of the U.S.
  - b. Persons who were admitted to the U.S. as immigrants, and who, therefore, have never held the U.S. immigration status of refugee or asylee. (*Note: An exception to this is made with Trafficking Victims, whose eligibility is determined not by immigration status, but by certification letter.*)
  - c. Persons who have been granted legal resident status under the Immigration Reform and Control Act of 1996 (P.L. 99-603).

#### **4. Documentation**

- a. Refugee status must be demonstrated through appropriate documentation. The I-94 and I-551 cards are the most common forms of verification (for those who fall into the categories described in section I.C.2.a-f of this manual). See

*Appendix A* for a description and examples of the Immigration and Naturalization Service (INS) documents that qualify an individual to receive services in the VRRP program.

- b. Victims of trafficking (described in section I.C.2.g) are not required to submit INS documentation to be eligible for the program. Instead, they must show a certification letter or letter for children issued from the Office of Refugee Resettlement, which verifies that they are victims of trafficking. See *Appendix B* for sample letters.

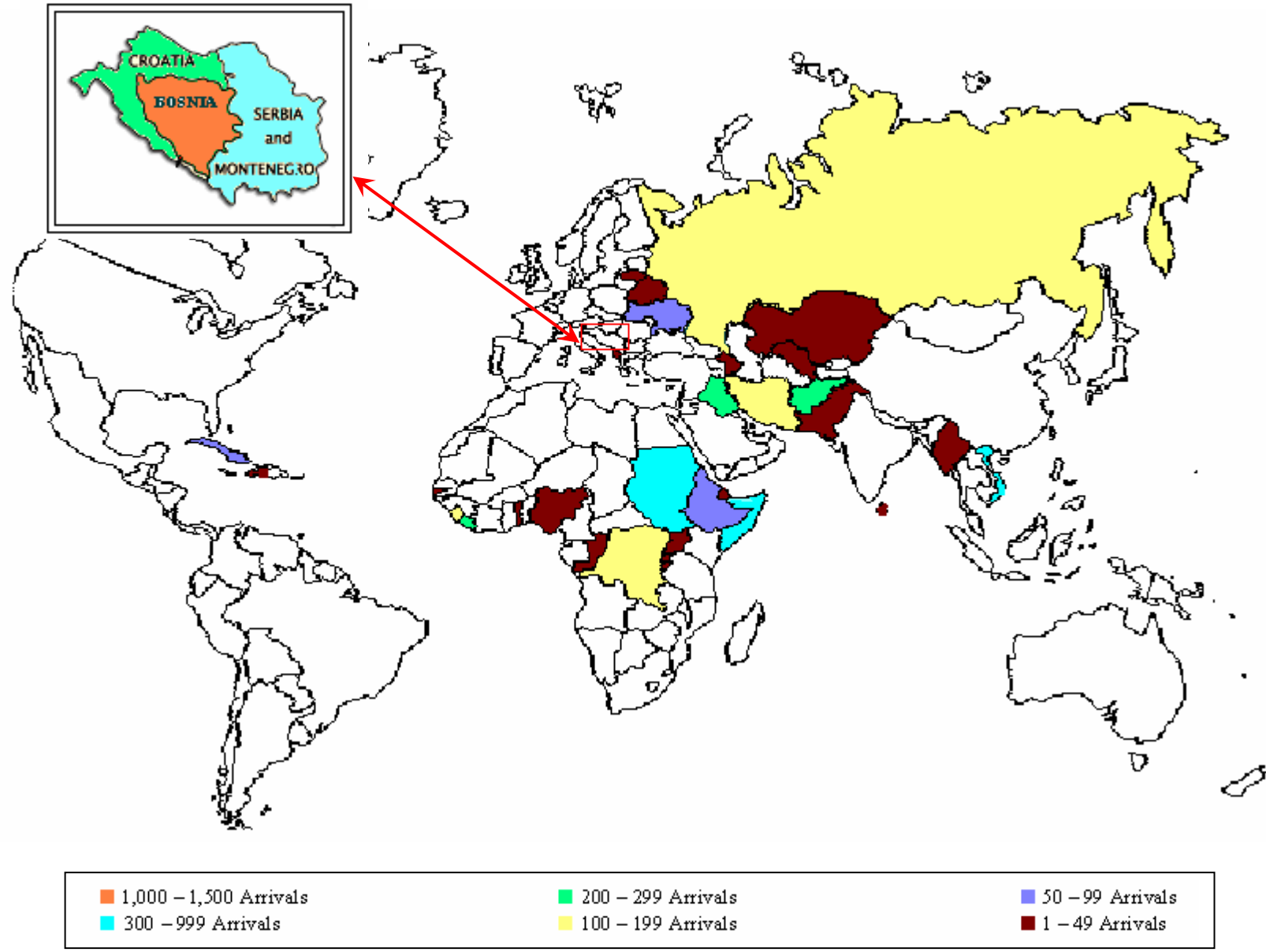
## ***D. Virginia Philosophy & Practice***

1. **Program Goals** - The Virginia Refugee Resettlement Program (VRRP) strives to support and foster the earliest possible durable economic self-sufficiency and social self-reliance for newly arriving refugee individuals and families residing in the Commonwealth. It acknowledges the unique strengths, abilities, and contributions that an individual refugee brings to the state. The program's design includes many partners who work together toward this common end by providing resources and tools to the refugee in a sensitive and compassionate way.
2. **A Public/Private Partnership**
  - a. The public responsibility for refugee resettlement lies with the Virginia Department of Social Services through the Office of Newcomer Services (ONS). Through ONS, the Commonwealth declares its commitment to the well being of refugees who arrive in Virginia. Refugees are "qualified aliens" and accorded the same entitlements as the general populace. They are therefore eligible, under the same guidelines, for benefits and services offered by the Department of Social Services (see section IV.D of this manual), in addition to some refugee specific benefits. ONS relies on local departments of social services to ensure that refugees have full access to these programs, benefits, and services.
  - b. Affiliates of private national voluntary agencies (VOLAGs) within the state maintain responsibility for refugee community assignment and placement and the active pursuit of the general welfare of the arriving families.
  - c. Coordination among and cooperation between the VOLAG resettlement providers and public agencies is essential. The relationship must be clearly established on the local level, where

services are rendered. The goal is a seamless delivery of services. Adherence to the belief in this partnership is a testament to what is successful in Virginia.

### ***E. Profile of Virginia Refugees***

1. **Overview** - Since 1975, Virginia has resettled nearly 48,000 refugees. Virginia's refugees present many different faces, illustrating that they come from diverse cultural backgrounds and that they have diverse needs.
  - a. Virginia's refugees come from:
    - *Southeast Asia* – Burma, Laos, and Vietnam
    - *Eastern Europe* – Bosnia, Croatia, Serbia, Belarus, and Moldavia
    - *Africa* – Somalia, Sudan, Sierra Leone, Liberia, and Ethiopia
    - *Former Soviet Union* – Russia, Ukraine, Kazakhstan, and Uzbekistan
    - *Middle East* – Iran, Iraq, Afghanistan, and Kurdistan
    - *Latin America* – Haiti and Cuba
  - b. See map of arrival numbers on the next page.



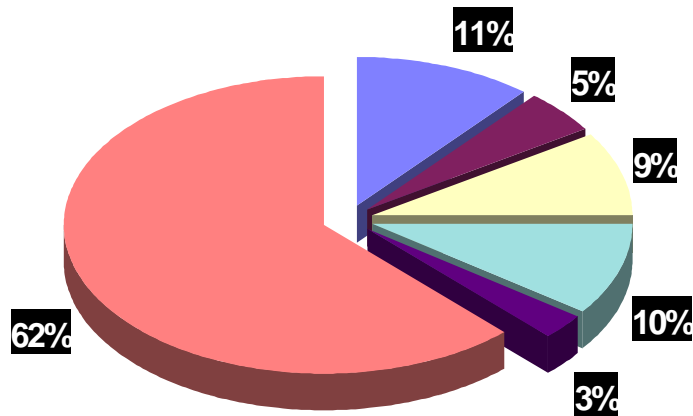
- c. Many newly arriving refugees have survived the anguish of being held captive in horrible and hostile surroundings. A number of them are from developing countries, some have had little to no formal education, some have been very poor, and some are among their country's elite. But almost all arrive in the United States having had little opportunity to prepare for life in a new environment.
- d. Some refugees do not have job skills and/or employment experiences that are readily transferable to the U.S job market. Others arrive with highly specialized skills and training, but with unrealistic expectations of job availability or are unable to pass American standards of certification and accreditation.
- e. Most refugees also arrive with limited English proficiency. They may be illiterate in their own language and they often have health and/or mental health problems that need to be addressed in the early months after their arrival. Given these overwhelming barriers to successful assimilation, refugees are a very vulnerable population.
- f. Most of the refugees arriving in the Commonwealth are joining families already established in local communities (These are called family reunification cases). Those not joining family members (called free cases) are resettled in localities throughout the Commonwealth. Among the newly arrived refugees to Virginia between 1997-2000:
  - approximately 52 percent were male and 48 percent were female; and
  - 67 percent were between the ages of 18 and 64 and thus are potentially employable.

## **2. Increased Diversity**

- a. Whereas refugees from southeast Asia, most notably Vietnamese, account for about sixty-two (62) percent of all refugees resettled in Virginia between 1975 and 2000, since 1997, refugees from southeast Asia have represented only ten (10) percent of all new arrivals. Conversely, as a percentage of new arrivals, increases have occurred from the following areas since 1996 (based on 2000 figures):
  - Eastern Europe, from 9 percent to 37 percent
  - The Middle East, from 9 percent to 11 percent
  - Africa, from 7 percent to 35 percent
  - Former Soviet Republics, from 5 percent to 7 percent.

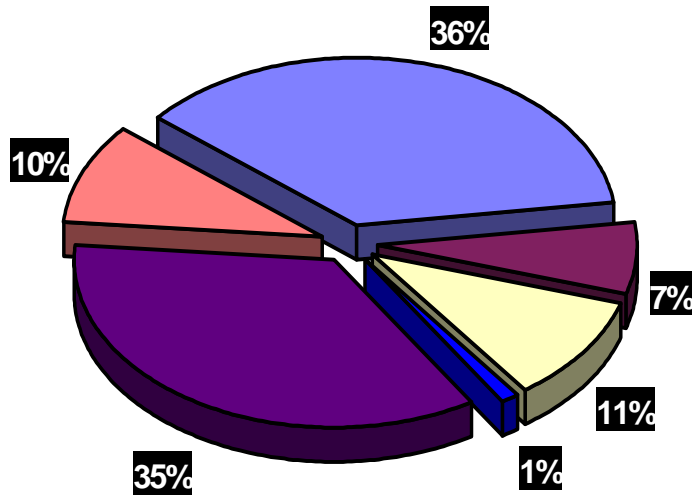
- b. Virginia also has seen a significant increase in the number of asylees who come to the state each year. As the percentage of asylees has increased, so has the need for flexibility within the program, particularly in the areas of fiscal planning and service delivery.
- c. Another notable trend in recent years has been secondary migration – refugees moving into Virginia from other states. Although precise numbers are difficult to obtain, currently it is estimated that almost one-third of all refugees residing in Virginia are secondary migrants.
- d. The relatively new Trafficking Victims Protections Act may also have a significant impact on the refugee resettlement program in the years to come, as it could further change the makeup of the population that is being served.
- e. The graphs on the next page show the change in Virginia refugee arrivals.

October 1, 1974 - September 30, 2000



■ Eastern Europe   
 ■ Former Soviets   
 ■ Middle East   
 ■ Other   
 ■ Africa   
 ■ Southeast Asia

October 1, 1997 - September 30, 2000



■ Eastern Europe   
 ■ Former Soviets   
 ■ Middle East   
 ■ Caribbean   
 ■ Africa   
 ■ Southeast Asia